

Docket No.: 215291US0

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: APPLICATION SERIAL NO.: 09/985,755
APPLICANTS: Naoto KUDO, ET AL.
FILING DATE: NOVEMBER 6, 2001
FOR: OIL-COOKED OR BAKED POTATOES
EXAMINER: BECKER, D.
GAU: 1761

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SIR:

Attached hereto for filing are the following papers:

RESTRICTION RESPONSE

Our check in the amount of \$ -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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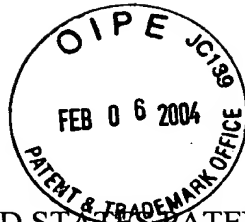


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DOCKET NO: 215291US0



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
NAOTO KUDO, ET AL. : EXAMINER: BECKER, D.
SERIAL NO: 09/985,755 :
FILED: NOVEMBER 6, 2001 : GROUP ART UNIT: 1761
FOR: OIL-COOKED OR BAKED :
POTATOES

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Restriction Requirement of January 22, 2004, Applicants elect,
Group I, Claims 1-7, directed to an oil cooked or baked potato, with traverse.

REMARKS

The Examiner is requiring restriction of the above-identified application as follows:

Group I, Claims 1-7, directed to an oil cooked or baked potato; and

Group II, Claim 8, directed to a method of making a potato.

Applicants have elected, Group I, Claims 1-7, with traverse.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the examiner if restriction is not required. (MPEP 803). The burden of proof is on the Examiner to provide reasons and/or examples, to support any conclusion in regard to patentable distinctness (MPEP 803). Applicants respectfully traverse the restriction requirement on the grounds that the Examiner